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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,625	06/03/2005	Joanne Joy Smith	1926-00106	5466
26753	7590	07/23/2007		
ANDRUS, SCEALES, STARKE & SAWALL, LLP 100 EAST WISCONSIN AVENUE, SUITE 1100 MILWAUKEE, WI 53202			EXAMINER BARLOW, MONICA L	
			ART UNIT	PAPER NUMBER
			3609	
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			07/23/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/537,625	SMITH, JOANNE JOY	
	Examiner	Art Unit	
	Monica L. Barlow	3609	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 17-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06/03/2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/02/2005</u> .  | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 68. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 52. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

Art Unit: 3609

Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the padded chest strap of claim 30 and the third linkage of claim 33 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

4. Claims 30 and 33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not disclose that the chest strap is expanded laterally and padded, or that there is a third linkage with a first end adapted to engage the fixing point on the spine strap and a second end adapted to engage with a third fixing point on the belt.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 17-23, 26-29, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Friedman (4,324,204).

7. In re claim 17, with reference to Figure 2 shown below, Friedman discloses an animal safety restraint for vehicles with a neck strap, a body strap with two fixing points (20, 22) between the chest and spine strap adapted for attachment to a vehicle seat by a pair of linkages (26, 30), each having a first end (24, 28) adapted to engage with a fixing point and a second end (36, 38) adapted for attachment to a seat, a spine strap with a further fixing point and a chest strap both connecting the neck and body strap.

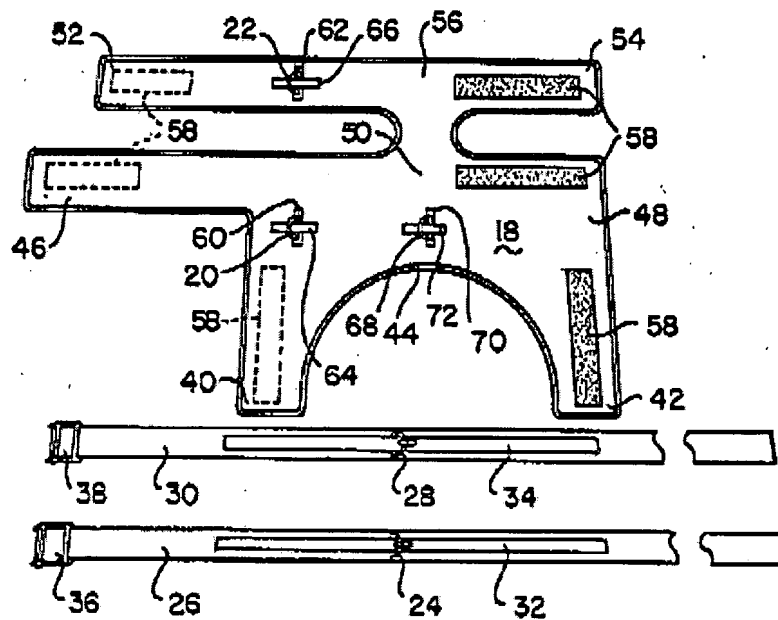


FIG 2

8. In re claims 18-20, with reference to Figure 4, Friedman discloses the neck strap and body strap are each a generally circular, continuous loop.

9. In re claims 21-23 and 27, with reference to Figure 2, Friedman discloses the neck strap and the body strap each have two free ends each end having complementary engagement means being a quick release clasp (58) to fasten around the animal's neck and body, where the fixing points are adjacent to the engagement means on the body strap.

10. In re claims 28 and 29, with reference to Figure 2, Friedman discloses each strap of the harness to be adjustable using the engagement means (58).

11. In re claim 31, with reference to Figure 2, Friedman discloses each fixing point is a metal ring.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 24,25, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friedman (4,324,204) in view of Kato (US 2002/0053324 A1).

14. In re claims 24,25, and 30, Friedman discloses the claimed invention except for the body strap comprising an upper and lower half and the chest strap is expanded laterally and padded.

15. However, with reference to Figures 1, 5, and 6, Kato discloses a harness for a pet where the body strap comprises an upper and lower half strap, each having two free ends with complementary engagement means, where the upper half strap is attached to the spine strap only and the lower half strap is attached to the chest strap only. The advantage of this is for maximum adjustability on each side of the animal. Kato also discloses another embodiment in Figure 1 where the chest strap has a cuirass portion (1a) which is expanded laterally and acts as a pad by protecting. The advantage of this to shield and protect the chest of the animal.

16. Thus it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the animal safety restraint of Friedman with a body strap that comprises an upper and lower half strap and a chest strap that is

Art Unit: 3609

expanded laterally and padded as taught by Kato in order to have maximum adjustability on each side of the animal and to shield and protect the chest of the animal.

17. Claims 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friedman (4,324,204) in view of Thomas (2,909,154).

18. In re claims 32 and 34, with reference to Figure 2, Friedman discloses an animal safety restraint for vehicles with a neck strap, a body strap with two fixing points (20, 22) between the chest and spine strap adapted for attachment to a vehicle seat by a pair of linkages (26, 30), each having a first end adapted to engage with a fixing point on the body strap and a second end adapted for attachment to a seat, a spine strap with a further fixing point and a chest strap both connecting the neck and body strap. Each linkage has a standard dog lead clip (24, 28) at the end. Friedman discloses the claimed invention except for a circular belt extending horizontally around a vehicle seat having at least two forward-facing fixing points each comprising a metal ring.

19. However, with reference to Figure 2, Thomas discloses a tethering strap arrangement for animals comprising a circular belt (10) extending horizontally around a vehicle seat having at least two forward-facing fixing points, each comprising a metal ring (19,20). The advantage of this is so the animal may have lateral movement across the vehicle seat while still being attached to the seat.

20. Thus it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the animal safety restraint of Friedman with



Art Unit: 3609

the circular belt as taught by Thomas in order to allow the animal to have lateral movement across the vehicle seat while still being attached to the seat.

21. In re claim 33, with reference to col.4 lines 67-68, Friedman discloses a third linkage having a first end adapted to engage with a fixing point on the spine strap and a second end adapted to engage with a third fixing point on the belt. The examiner notes that the belt could slide through the second end of a common leash.

22. In re claim 35, with reference to Figure 1, Friedman discloses each linkage is adjustable (36, 38).

23. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Friedman (4,324,204) in view of Thomas (2,909,154) in further view of Brezinski (6,584,939).

24. In re claim 36, Friedman and Thomas disclose the claimed invention except for a coat having apertures adapted to receive one or more straps of the harness.

25. However, with reference to Figures 2 and 3, Brezinski discloses an animal coat having apertures adapted to receive one or more straps of a harness. The advantage of this is to protect the animal from cold or rain.

26. Thus it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the animal safety restraint of Friedman and Thomas with the coat as taught by Brezinski in order to protect the animal from cold or rain.

Art Unit: 3609

**Conclusion**

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Saleme (5,443,037) discloses a canine seat belt and harness.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica L. Barlow whose telephone number is 571-270-3113. The examiner can normally be reached on Mon to Fri 7:30-5:00, Alternate Friday off, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on 571-272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Victor Batson  
Supervisory Patent Examiner  
Art Unit 3600

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